

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 21-30, drawn to a process of producing a solar battery module;

Group II: Claims 31-42, drawn to a process of producing a solar battery module.

Applicants elect, with traverse, Group I, Claims 21–30 (drawn to a process of producing a solar battery module), for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner has argued that Groups I and II are not linked to form a single general inventive concept under PCT Rule 13.1 for the following reason: “the common technical feature in these groups is solar battery cells sealed by a resin between a transparent panel of a light reception surface side and a back face panel. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art.” However, Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states:

“The expression “special technical feature” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants contend that the Examiner did not consider the contribution of the invention, as a whole, over the prior art, nor did the Examiner consider the content of the claims, as interpreted in view of the description, in asserting a lack of unity between the Groups; therefore,

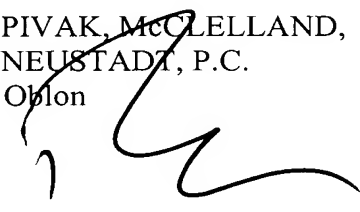
the Examiner has not met the burden necessary to support the assertion of a lack of unity of the invention.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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